

REMARKS

This amendment is submitted in response to the Final Office action of July 14, 2005 and Notice of Panel Decision from Pre-Appeal Review dated February 2, 2006, and in view of the concurrently filed Request for Continued Examination.

Claims 1-9, 12, 14-17, 19-24, 27-48, 51, 53-60 and 63 are pending in the instant application. Claims 28-39 were withdrawn in a previous Action. Claims 1-9, 12, 14-17, 19-24, 27, 40-48, 51, 53-60 and 63 have been rejected under 35 U.S.C. 103 as being allegedly unpatentable over U.S. Patent No. 6,122,503 issued to Daly in view of U.S. Patent No. 6,418,306 issued to McConnell. Claims 1, 9, 14, 20, 40, 42, 48, 53, and 57 have been amended. Claim 56 has been cancelled. The Applicants submit that claims 1-9, 12, 14-17, 19-24, 27, 40-48, 51, 53-55, 57-60, and 63 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered by this amendment.

The Examiner states with respect to claim 1 that Daly teaches or makes obvious all of the features recited therein. In addition, since Daly is relied on by the Examiner as teaching transmissions performed via IS-41 technologies, the Examiner introduces McConnell as allegedly teaching communications transmissions using SS7 technologies.

The Applicants respectfully traverse the rejection of claim 1 because neither Daly, nor McConnell, alone or in combination, teach or make obvious each of the features recited therein. Amended claim 1 recites, in part, "transmitting a third item of information to the wireless device only in response to the receipt of the second item of information, and only if the wireless device is associated with a targeted subscriber in the concerned database, wherein the third item of information is related to the first item of information; *providing an entry in a pending database after the third item of information has been sent to the wireless device; and tracking the*

pendency of the entry in the pending database for determining a period of time elapsed since the transmitting a third item of information where no acknowledgement of receipt of the third item of information has been received from the wireless device." No new matter has been entered by this amendment. Support may be found throughout the Applicants' specification and, in particular, on page 8, paragraph 0017 and in paragraph 0057.

Daly and McConnell, either alone or in combination, are entirely devoid of teaching or making obvious these features. Daly provides certain tracking functions (e.g., if the MS is inactive, then a flag in the subscriber profile is set to indicate that an OAP message is waiting to be delivered to the MS and the delivery pending flag is cleared when the OAP message is successfully delivered (page 6, lines 55-62)). However, there is no disclosure (or even suggestion) in Daly of tracking a pendency of the entry in the database for determining a period of time elapsed since transmitting the information as recited in claim 1. Thus, Daly teaches only the use of an OAP flag to track the transmission of information to the MS and successful delivery of the information (i.e., flag is cleared), but does not include tracking an amount of time elapsed since the transmission whereby no acknowledge of receipt has been received. McConnell does not teach or suggest these features. McConnell is non-analogous art in that it is directed to a process of notifying telephone users of the receipt/deletion of messages in a voicemail or messaging system. McConnell is not even remotely related to the Applicants invention. As Daly does not recite the features recited in claim 1 as provided above, the Applicants submit that the introduction of McConnell would not cure the deficiencies of Daly. Because neither Daly nor McConnell, either alone or in combination, teach or make obvious each and every feature recited in Applicants' claim 1, the Applicants submit that claim 1 patentably defines over Daly and McConnell. In addition, claims 14, 20, and 40 each recites

features that are substantially similar to those of claim 1. Accordingly, for the reasons set forth above with respect to claim 1, the Applicants submit that claims 14, 20, and 40 are also patentable over Daly in view of McConnell. Claims 2-9 and 12 depend from what should be an allowable claim 1. Claims 15-17 and 19 depend from what should be an allowable claim 14. Claims 21-24 and 27 depend from what should be an allowable claim 20. Claims 41-48 and 51 depend from what should be an allowable claim 40. For at least these reasons, the Applicants submit that claims 2-9, 12, 15-17, 19, 21-24, 27, 21-24 and 27 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

Claim 53 has been amended to include features recited in cancelled claim 56. Claim 53 recites in part, "wherein the system marks the concerned database of the wireless device as unable to return an acknowledgement of successful completion of the updated information after the wireless device has made a specified number of unsuccessful attempts to return the acknowledgement." The Examiner states on page 5 of the Final Office Action that the features relating to the specific databases (pending, concerned and history) are rendered obvious by Daly. However, the Examiner fails to point out where in Daly the features directed to determining a specified number of unsuccessful attempts for returning an acknowledgement and, upon reaching the specified number, updating a database to reflect said attempts. Upon a review of Daly, the Applicants were unable to locate such reference. The Applicants submit that claim 53, which as amended includes the features recited in cancelled claim 56, is patentable over Daly in view of McConnell at least for the reasons presented above. Claims 54-60 and 63 depend from what should be an allowable claim. For at least these reasons, the Applicants submit that claims 53-60 and 63 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

In view of the foregoing, it is urged that the final rejection of claims 1-9, 12, 14-17, 19-27, 40-51, 53-60, 63 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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